

REMARKS


It is respectfully submitted that claims 1 through 3 are in a condition for allowance. In a telephone call with the Examiner, the applicant advised the Examiner that only 3 claims were pending and that no claim 4 exists, contrary to the Office Action Summary. The Examiner indicated she would note that correction in writing. Applicant also advised the Examiner that the earlier issued U.S. patent and the pending application were co-owned and that a terminal disclaimer would be filed accordingly.

Applicant has amended the specification to change the reference to a pending application to an issued US patent.

By virtue of the two enclosed assignments, the pending patent application and the earlier issued U.S. Patent No. 6,417,763 are co-owned by Excellent Inventions LLC and a terminal disclaimer is properly filed in this application by Excellent Inventions. Without agreeing with the rejection for obviousness type double patenting, Applicant hereby files a terminal disclaimer signed by the owner of the co-owned patent and the pending application.

Dated: July 14, 2005

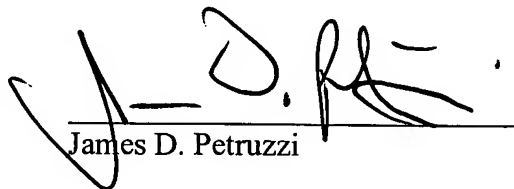
Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that the above-noted paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on July 14, 2005 as first above noted.



James D. Petruzzi